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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,884	06/29/2000	Kazushi Honda	193857US2	7308

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EXAMINER

GROSS, KENNETH A

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,884

Applicant(s)

HONDA, KAZUSHI

Examiner

Kenneth A Gross

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 10, 11, 17, 18, and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Objections

1. Claims 2, 3, 10, 11, 17, 18, and 20 are objected to because of the following informalities:
Claims recite the term 'does not have been'. This term is understood to mean 'has not been'.
Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to Claims 1-20, the claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

3. Claims 2-4 and 8 cite the term 'unit'. It is unclear as to what 'unit' refers, since a 'unit' on a system can refer to hardware or software programs, or both. Claims 5-7 are rejected for being dependent on a rejected claim. Claims 3, 11, and 18 recite the term 'suppressing'. It is unclear as to what 'suppressing' means in the context of these claims. Claim 8 is rejected for being dependent on a rejected claim. Claim 8 recites the limitation "one source program". It is unclear as to what the 'one source program' refers.

Claims 5-7 and 13-15 cite the term 'multiphase'. The term 'multiphase' is not known outside the scope of this application. The term 'multiphase data type' can be interpreted to mean a data type or class that uses a template model, however, this needs to be explicitly stated in the claims. In regard to Claims 5 and 13, it is unclear what the term 'is one of' means in the scope of the claim. It is further unclear how a data type can simultaneously be a multiphase type, a multiphase type function, and a multiphase type holding member function. In regard to Claims 6 and 14, it is unclear what is means by 'representing whether instantiation is requested in the source program for every symbol of each data type of the multiphase type.' This claim can be interpreted to refer to a constructor, as used in C++, for a template class, where the symbols are the values given to certain variables used by the constructor to create a new object of the template class.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 9, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nackman et al. (U.S. Patent Number 6,182,281) in view of Palay et al. (U.S. Patent Number 5,613,120).

In regard to Claim 1, Nackman teaches: (a) a preprocessor for executing preprocessing of source programs (Column 18, lines 44-50); (b) a language processor for compiling the source

programs (Column 18, lines 3-13). Nackman does not teach a data type definition table, nor does he teach a code optimizing processor for scanning the source code and deleting duplicate data type definitions. Palay, however, does teach a class definition table (Column 12, lines 15-17) and a linker that removes duplicate class definitions (Column 28, lines 50-61). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to develop a system with a preprocessor and compiler as taught by Nackman, and include a data type definition table and a processor for removing duplicate data definitions from the code, as taught by Palay, since removing duplicate code reduces the size of the overall program and promotes better organization of the code. Claims 9, 16, and 19 correspond directly with Claim 1, and are rejected for the same reasons as Claim 1.

6. Claims 2, 3, 10, 11, 17, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nackman et al. (U.S. Patent Number 6,182,281) in view of Palay et al. (U.S. Patent Number 5,613,120) and further in view of "Access 2000 for Windows for Dummies" by John Kaufeld, 1999 (hereinafter Kaufeld).

In regard to Claim 2, Nackman and Palay teach the device of Claim 1, and further teach a data type definition detection unit (Column 12, lines 10-17). Neither Nackman nor Palay teach a detection, registration, or deletion unit. Kaufeld, however, teaches an Aspect of Access 2000, namely the 'Find' command, which locates information on a table (Chapter 10, page 142, lines 1-10). Hence, the 'Find' command acts as a decision unit for determining if the data type information is indeed registered in the table. Kaufeld further teaches aspects of Access 2000 that allows for the adding of new records to the table, as it is done in the registration unit. Kaufeld teaches that Access 2000 will delete a record on a table that is a duplicate of another record

(Chapter 5, page 87, lines 33-38). Hence, only unique data type definitions will be able to be added to the table. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to create a system for program language processing with code optimizing processor as taught by Nackman and Palay, wherein the code optimizing processor contains data type definition unit, decision unit, registration unit, and deletion unit, since this would allow for automated organization of the data type definition table taught by Palay. Claims 3, 10, 11, 17, 18, and 20 correspond directly with Claim 2, and are rejected for the same reasons as Claim 2.

7. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nackman et al. (U.S. Patent Number 6,182,281) in view of Palay et al. (U.S. Patent Number 5,613,120) and further in view of "Access 2000 for Windows for Dummies" by John Kaufeld, 1999 (hereinafter Kaufeld) and Bacon et al (U.S. Patent Number 6,041,179).

Nackman, Palay, and Kaufeld teach the system of Claim 2, but do not teach a second detection unit for deciding the usage of a data type. Bacon, however, does teach removing classes from code that is unused (Column 6, lines 55-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to create a system for program language processing with code optimizing processor, and a detection, decision, registration, and deletion unit, wherein the optimizing processor further contains a second detection unit that finds and deletes unused data type definitions as taught by Bacon, since this would produce smaller and more efficient code. Claim 12 corresponds directly with Claim 4 and is rejected for the same reasons as Claim 4.

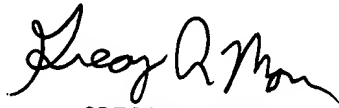
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A Morse can be reached on (703) 308-4789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

KAG
December 16, 2002


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100